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CITY GOVERNMENT RELATIONS WITH PUBLIC UTILITIES

What are the areas of cooperation that should be explored by city governments and public utilities? What are municipal policies and public utility views on street openings, underground wires, tree trimming, and other regulatory areas?

Although some municipal governments operate electric plants, gas systems, bus lines, telephone systems, and even a municipal railroad or two, the largest supplier of what are commonly called "public utilities" are privately-owned companies. Of necessity, municipal governments must have sound relations with these companies whose activities play so important a part in their communities, and the burden of the conduct of these relations falls upon top-level city administrators and department heads.

Private utility companies operate a variety of services under municipal franchises including railroads, taxi service, and television cable systems, but this report is limited to the five kinds of services with which municipal officials are more commonly concerned: electric, gas, telephone, water, and bus. In some cities one or more of these services is provided by a publicly-owned system not under the control of the city. Many of the points made about administrative relations between municipal officials and utility companies apply equally to the relationship between municipal and utility district officials.

The contacts between municipal governments and private utility companies occur on several levels. The city, on one level, is a customer buying power for street lighting, telephone service, and the like. At another level, the city has the explicit or implicit responsibility for seeing to the public interest in a wide variety of circumstances, ranging from the administration of a municipal franchise to the representation of the consumer viewpoint in a rate case. At still another level, the municipality has the ultimate responsibility for what happens within the public right-of-way used by the utility companies. The administrative problems at this third level are the main concern of this report.

Objectives and Method

A total of 130 cities supplied responses to an MIS questionnaire to form the basis of this report. In addition, four large utility companies provided lengthy comments on questions related to the topics covered in this report. All these respondents are listed in the acknowledgements at the end of this report.

The Method. Several criteria were used in the selection of cities to be surveyed. First was length of service of city managers or chief administrative officers. An effort was made to poll managers with three or more years in their present city to obtain a broad spectrum of experience in working with private utility companies.

The second consideration was geographic. The replies to the MIS questionnaire come from 34 states. Here the effort was to introduce the factor of numerous utility companies.

The third consideration was population: among the 130 reporting cities, 14 are of more than 100,000 population; 22 between 50,000 and 100,000; 27 between 25,000 and 50,000; 36 between 10,000 and 25,000; and 31 under 10,000. The geographic and population criteria of necessity resulted in the

inclusion of a few managers with less than three years in their present city. In such cases, however, all the managers polled are veteran chief administrators who were asked to draw upon their prior experience when responding.

The Questionnaire

Three general topic areas contained in the questionnaire are utilized in this report: "City-Utility Cooperation," "Street Openings," and "City Policies and Programs."[1] These three topic areas are preserved in this report and will be dealt with separately in the pages that follow.

The three objectives of this report are:

1. To present information about practices currently in use by cities in their relations with utility companies.

2. To pinpoint those problems which seem to be prevalent from city to city, or those limited to a few communities which might become more frequent in the future.

3. To draw some conclusions about these problems in terms of what approaches might offer fruitful exploration by municipal administrators.

Background and Comments

The over-all impression gained from the MIS questionnaires is that, all in all, municipal relations with utility companies are in good shape. While there are some not insignificant sore points, the general attitude of city managers regarding utility company executives is one of respect. No manager was completely derogatory about all of the utility companies serving his community, and there was only one instance of a single company being charged with total indifference to city regulations and policies.

"We have had very poor relationships with our local water company. Part of the reason is because the central office does not allow local discretion in administration.... Our biggest problem... is their attitude toward the city administration as a whole, including Council, and their attitude toward users within the city. All negotiations are entered into on an either/or proposition. There is no give and take and the company has resorted, not only in this locality but in others, to actual false statements in trying to get across a point."

This condemnation, it should be pointed out again, is atypical. As the same respondent points out:

"Our experience has been diametrically opposed with the three utilities. On one hand we have alert progressive companies (power and telephone) desirous of giving a full measure of service and cooperation to the city and to its citizens and still make a profit, and on the other hand we have a company who cares little or nothing about the progress of the local community, its problems, and its plans."

The reasons for this generally good relationship between cities and utility companies are not hard to find. Primary among them is the obvious value of cooperation. It is in the self-interest of both to work together. A failure to cooperate can cost both money. It can produce unpleasant personal frictions. But perhaps most important, failure to cooperate represents a failure to exercise the public trust which both hold.

This latter point was underscored by P. W. Siekman, vice-president of the Pennsylvania Power and Light Company, Allentown, Pennsylvania:

> We are convinced that more and more cooperative effort by both municipal authorities and utility management will be required in the future to meet the needs of the public. There are two major considerations which lead to this conclusion. The first is that it appears that local government will assume a more responsible role in community and area planning involving streets, land subdivision and development, zoning, urban redevelopment

[1] It should be noted that an area of city-utility company relationships of vital importance in some states — that of municipal franchise negotiation and administration — is not covered in this report. MIS subscribers interested in this aspect are referred to Report No. 109, February, 1953, *Administration of Utility Franchises.*

projects, and so on. The second is that utility companies have the responsibility to take necessary steps to meet the growing demands of the public for more utility services. These activities of necessity will bring out substantial municipal contacts.

In more immediate terms, there are equally compelling reasons for working together. It is of paramount importance, for example, in industrial development activities, particularly in matters of zoning and in situations in which the municipality supplies water or some other utility service for which industry may have some special need. Future growth of the city, the utility, and the industry may be directly related to success or failure in this area.

Many utility companies have recognized that sound planning has a marked effect on their activities, and several are among the leading exponents of citizen education in the need for and the values of municipal and regional planning. This latter activity is but one reflection of a tendency of utility companies to be "community relations conscious." This is a fairly recent phenomenon in the corporate world, growing out of a recognition that a company's public image depends in part on the participation of their employees in the civic life of the community.

All of these circumstances help create a basic attitude on the part of both city representatives and utility company executives. While in a particular situation the pendulum may swing in the other direction, there is an inclination — at the outset at least — toward cooperation between the two. This is shown very clearly in the responses obtained from city managers.

With this inclination providing a frame of reference, the subject of differing points of view can be raised in some kind of perspective. There are several subjects on which municipal officials and company executives have basic differences. Typical among them are underground placement of wires, early company activity in new subdivisions, and street restoration work standards. In many cases it appears that there is disagreement not only as to proper policy or practice but also as to the weight to be given factors involved in a given decision.

Perhaps the best example — one cited by two city managers — is a utility company's extremely conservative position (in the eyes of the managers) in relation to anticipated growth of the community. The companies apparently have not been willing to pace their capital investment to what the managers feel is the pace of community expansion. This can be a problem when it is remembered that the 1950's saw some cities double or treble their populations.[2]

Another aspect of these differences should be kept in mind. Utility companies are inclined to apply an economic yardstick when making their value judgments. A prime example is the installation of underground electrical and telephone lines. The cost, often claimed to be two and one-half times that of overhead wires, is said to be prohibitive. Some municipal officials, on the other hand, believe aesthetic considerations and hazards to firemen fighting fires in high-value districts are among other values to be applied. Anyone looking into the area of administrative relations between city officials and utility company executives will find many differences in viewpoint of this kind.

Yet the student of the problem must be prepared to meet certain apparent paradoxes. For example, while some companies are hostile to municipal requirements that wires be placed underground or that two utilities use the same poles, the fact remains that many companies voluntarily choose to place wires underground or to jointly use poles.

What this all means is this: a basic fact of the relationship between cities and utility companies is that the *particular* circumstances in a *given* situation have a great deal to do with shaping the outcome of that episode in what is a continuing series of contacts. There is a high degree of pragmatism involved when city and utility managers get together to discuss a problem.

City-Utility Cooperation

One indicator of the degree of cooperation between municipalities and utility companies is the extent to which they exchange information on the master plan for community development. Table 1 summarizes the extent of such cooperation.

[2]One responding city, Garden Grove, California, grew from 3,762 to 84,238, or 2,144 per cent in 10 years! Its manager was not one of the two mentioned.

Table 1

Municipal-Utility Cooperation in Planning

Population Group	No. of Cities	No. of Cities with Master Plan	No. of Cities Obtaining Data from Utilities	No. of Cities Furnishing Data to Utilities	No. of Cities Desiring More Data on Regular Basis
Over 100,000	14	12	9	11	7
50,000 to 100,000	22	13	11	9	9
25,000 to 50,000	27	15	14	11	7
10,000 to 25,000	36	26	15	17	17
Under 10,000	31	7	6	6	4
Total	130	73	55	54	44

Slightly more than half of the reporting cities (73 of 130) have master plans or are in the final stages of preparation. This is an activity largely in cities of 10,000 or more. Only seven of 31 cities of less than 10,000 indicated they have master plans.

Type of Information Obtained

What kinds of information from utilities are helpful in the preparation of a community plan? Fifty-three cities reported receiving some information from companies which was used in developing the plan. Sixteen cities with a plan indicated they received no data from utility companies. The information received fits into five general categories.

1. Existing Facilities of Utility Companies. This includes location of major facilities and trunk lines, up-to-date maps of service lines, existing bus routes, and the like.

2. Current Statistics. This emphasizes volume and type of services currently provided as well as services available to potential growth areas.

3. Statistics of Predictive Value. This includes projections of population prepared by the company, service demand trends in terms of total or per capita consumption or use, area growth forecasts, and similar information.

4. Plans for Company's Future Expansion. Maps of future trunk lines, new construction forecasts, evaluation of adequacy of the utility's capacity in relation to population potential as determined by zoning, and ability to expand into fringe areas with high potential for development.

5. Additional Planning Tools. One such instance cited was the supply of aerial photographs which the company had prepared in connection with its own planning activity.

Information Supplied by Cities. Fifty-four cities reported that they had knowledge of specific use of the city's master plan by the utility in its planning. The points which the utility companies seem to be most interested in are those related to the location of their facilities: the areas in which subdivision or industrial development is most likely to occur for location of electrical and gas substations and influence of major thoroughfare location on existing plant. However, there also are indications that some companies utilize the community plan in a somewhat more sophisticated way; for example, in establishing design criteria for service extensions and in the projection of its own work programs in keeping with the pace of community growth. It can be assumed that in such cases the degree of usefulness depends on the confidence that the utility company's executives have in the validity of the plan itself.

Finally, several utility companies use local planning to anticipate the development of fringe areas which might be annexed to the city. Apparently the companies prefer to conform to the standards established by the city even when not legally required to do so.

Information Wanted by Cities. The city managers were asked if they felt that utility companies could furnish additional information useful to the city on a *continuing* basis. Only one-third (44 of 130) of the responding cities indicated the usefulness of such information. It is not known whether the rather large group not desiring more information exists because the local utility company has no information to give or because the managers are missing an opportunity. Probably both situations exist.

The responses from managers about what additional information they would like to obtain covered a broad spectrum. Some appeared to want information to fill gaps in their knowledge about comparatively short-range problems. In this category are such things as the company's plans for future work in streets.

Other desires were designed to fill gaps in knowledge about existing facilities of the utility companies. This included up-to-date location of underground lines, number of pole contacts with the city's electrical system, and information on all utility structures and their location on public rights-of-way.

A third kind of information desired related to more long-range planning activities. The future plans of the company as to location of plant, reservoirs, power distribution stations, trunk lines, and proposed replacements and major repair projects two years in advance — all of these were mentioned. Data on consumer trends and company projections also fit into this category.

Current information of value to the city, such as quarterly plats of service extensions, number of electric meter installations, and records of field work done comprise a fourth category. One city of less than 10,000, active in planning, said, "We would be interested in knowing specific areas where services are being requested, type of services being requested and other needs as a means of checking [into] community growth. We would also be interested in data they receive through their industrial relations division about plant locations or expansion plans."

The final category related to financial data. Several cities which participate in the rate-making process indicated a need for gross receipts and other financial data helpful in rate studies. Another city said it would be useful to have more detailed cost information on front- and rear-line overhead and underground installations to serve newly subdivided and redeveloped commercial, industrial, and residential areas.

City-Utility Exchange of Information on Streets

There is a fairly high degree of cooperation between cities and utilities regarding the scheduling of projects affecting streets, the responses to the questionnaire indicate. Table 2 summarizes this exchange.

Cities regularly make it a practice to inform utility companies of their plans to resurface a street. In fact, 123 of 127 reporting cities indicated that this is their practice. The prime reason for such notification, of course, is to permit the companies to replace or repair underground plant

Table 2

City-Utility Exchange of Programs Affecting Streets

Population Group	No. of Cities	No. of Cities Informing Utilities	No. of Cities Informed by Utilities			
			Total	Adequate Warning	Borderline	None or Inadequate Warning
Over 100,000	14	13	10	10	0	0
50,000 to 100,000	22	21	18	8	4	6
25,000 to 50,000	27	25	23	19	2	2
10,000 to 25,000	36	35	31	21	3	7
Under 10,000	31	29	31	18	6	7
Total	130	123	113	76	15	22

or to make whatever changes are necessitated by the street improvement (elevation of manholes or service connections). This system of cooperation apparently works. Most managers would agree with the comment that "the utility companies cooperate as fully as possible and endeavor to make their necessary installations before the work of resurfacing is commenced." Few apparently agreed with the comment of the manager of a small city who said, "We do not impose a penalty but it invariably happens, usually within 24 hours."

Penalties Imposed. Several different kinds of penalties are utilized by nine cities if a utility seeks to open a newly improved street. These penalties are imposed only when the street opening could have been avoided, of course, and do not apply in emergencies.

Long Beach, California, reports, "Following completion of a major city street improvement the city will not permit utility excavation except in an extreme emergency. If major problems occur in a line after a utility has indicated their facility is in good condition and the street is improved, the city will require that the line be abandoned in place and a new route found."

Several cities, including Garden Grove, California, and Oak Park, Michigan, require that the utility companies use more expensive boring techniques. Thomasville, Georgia; Huntington, West Virginia; and Barstow, California, make special charges, in addition to the cost of repair, if the pavement is opened within a specified time. Thomasville charges $5 per square yard if the street is opened within six months; Huntington uses a sliding scale based upon the type of pavement involved within a one-year period; and Barstow uses a formula based upon a square-foot charge hinging on both the type of pavement and the length of time since it was put down. Bangor, Maine, and Yankton, South Dakota, charge a premium on the street opening permit.

Other Restraints. A number of cities reported that while they do not impose penalties for early opening of new streets, administrative restraints are placed on such openings. Council Bluffs, Iowa; Bloomington, Illinois; Belfast and Brunswick, Maine; and Whitefish Bay, Wisconsin, all prohibit street openings for at least five years. In Kingsport, Tennessee, the period is three years, and in Pasadena, California, six months. The general policy in Lititz, Pennsylvania, is to refuse to issue a permit unless it is satisfied that an emergency condition serious enough to warrant tearing up the pavement exists. Pontiac, Michigan, and Bristol Township, Pennsylvania, both indicate that the application is given close scrutiny at the time the permit is sought.

Salisbury, North Carolina, does not penalize any company for opening the street after improvements are made, but the city does require the utility companies to pay for all repairs following their work, and for subsequent repairs when needed, even if the need occurs a year or so later.

In these cities the burden of proof is on the utility company to show that opening the street is the only possible way to deal with a problem in which there is an overriding public interest. Even then the practice is to explore alternative ways to deal with the problem. While the number of cities imposing penalties or other restraints is comparatively small, it is perhaps significant that six cities indicated that penalties or administrative restraints were currently being given serious consideration.

It was impractical to survey the utility companies in all of the cities polled to determine whether they believe the warnings given by the cities are adequate, but it was possible to ask the city managers how much warning they are given and what minimum warning they would like to have. Table 2 shows that 76 city managers felt that the warning currently received is adequate, 15 indicated that the warning period now in use is at or near their minimum requirements, and 22 reported that they received no warning or that the warning given was inadequate. Seventeen cities did not respond to this question.

Several comments should be made about the length of warning periods desired. Typically, they tended to be longer in larger cities. The apparent reason was that larger cities felt that warning is necessary in major projects, and tended to answer within this framework. The day-to-day contacts necessary between the utility and the city street or engineering departments (such as in minor street openings, minor building permits, and the like) had settled down into a satisfactory routine handled at levels below that of top management. On the other hand, the smaller the city the more likely was its response to deal with what in the larger cities are "minor" problems. Typically, it felt a shorter warning period is sufficient.

It should be noted, too, that there was a wide range of minimum warning periods desired. For example, one city manager noted that one month's warning on major projects was adequate. Another in a city within the same population group said that 18 months is the necessary minimum. One can explain this divergence only by speculation, since there was no opportunity to analyze the experience of both managers in the past. It could be, however, that the first manager is employed in a fairly stable city where the utility company is not expected to undertake major projects of far-reaching consequences. His problem may be one of just making sure that the utility company is aware of other users of the right-of-way. The second manager, on the other hand, may find that utility company programs must be coordinated with municipal programs planned over the next few years.

Finally, another factor influencing the answers of the managers as to the adequacy of the warning period is the magnitude and scope of the project involved. Many managers qualified their answers in this respect. It appeared that a good rule in all but the most routine of contacts between the utility company and the city is, "The more warning the better."

Organization for Cooperation

Various methods of cooperation between city and utility officials are in use. Most common are man-to-man conferences on an informal basis, particularly in smaller communities. These contacts occur in many ways: on an ad hoc basis, with a specific problem spurring the conference; on a regular, "drop-in" basis; and on a more or less business-social basis in which a conversation at a service club meeting may iron out a problem. From here the techniques range to full-fledged formal coordinating committees meeting regularly.

While there is an obvious preference for the easy, informal type of contact, the fact remains that this technique is not without drawbacks, even in small communities. Perhaps the most serious is one which arises when either the city manager or the utility manager moves or is transferred to another community. One city manager observes, "A large firm has considerable shifting of personnel so that an established working relationship can be temporarily upset by a transfer." It is essential, therefore, that adequate records are kept by the city manager in order that his successors may know what has been agreed upon and what factors were taken into consideration.

The need for coordination is perhaps most important in municipal planning and public works and is less so for emergency interruption of service and traffic control only because most municipalities have adopted workable procedures.

General Coordination. A number of cities have developed techniques which deal with these three areas:

1. Comprehensive Coordination.

Pasadena, California — "There is a utilities coordinating committee composed of representatives from all utilities and the municipal departments of planning, light, water, street and engineering, police and fire. Others, such as parks and controller, are called in when necessary. The committee meets monthly."

2. Departmental Liaison.

Salisbury, North Carolina — "Liaison between the utility companies and the city's public works department is maintained through almost daily contacts by telephone or in person. Dinner meetings are held two or three times a year."

3. Informal Liaison.

Ames, Iowa — "The city manager and the company manager are close enough to keep in touch on mutual problems." This is a common approach.

Berkeley, Missouri — "Generally it is a happenstance affair — usually the company man drops in periodically just to visit."

Richfield, Minnesota — "Each utility company has assigned a coordinator who is available to the village for any problems that arise."

Lititz, Pennsylvania – "Each of the utilities has one man designated to keep in touch with our operations. He scans our newspaper and we apprise him of upcoming conditions, sending him ordinances or regulations when we believe he would be interested."

Planning Cooperation. Where a committee is used for long-range planning cooperation, it will also deal with short-term problems. Several other techniques specifically related to city planning are used, however.

1. Department Liaison. This is the situation in which the city's planning personnel confer with utility company executives or planning staffs.

2. Formal Involvement. A device used in smaller communities particularly is the naming of utility managers to the planning commission.

3. Informal Liaison. This occurs in many ways. In some cities the utility companies are invited to send representatives to meetings at which utility matters will be discussed. In others, the planning agency may require that subdivision plats be reviewed informally by the company before approval is given. (In a few cases, such review is mandatory.)

Construction Cooperation. The methods enumerated above, ranging from formal committee to informal liaison, are all used to secure cooperation on construction programming. Perhaps there is a greater emphasis on timing here, many cities specifying that the representatives get together sometime before the start of the construction season.

Some insight into the importance of coordination from the utility company's point of view and the steps to be taken to assure coordination may be gained from an observation by P. W. Siekman of the Pennsylvania Power and Light Company.

The prime requisite for insuring adequate cooperation between municipalities and utilities is early notification of proposed projects or developments. Utility services are essential to virtually every municipal project or private development and there should be recognition of the need to make adequate provision for them in the early preliminary stages of planning.

Utility engineers can, if consulted in the early stages, suggest development layouts which will lend themselves to the type of utility arrangement best adapted to providing good service and having a minumum of objectionable features. For example, they can designate locations of services to buildings around which the facilities in these buildings should be designed. In addition, such early consultation, prior to the start of detailed planning and design, will help to avoid the setting up of undesirable conditions, such as awkward street arrangements which require unusual amounts of guying of line facilities, failure to provide utility easements where required, design of building facilities without practical service locations, etc. Conditions like these can readily be avoided in the early fluid stage of planning, with savings in costs and the preservation of desired aesthetic values. Obviously, the elimination of such problems can be very costly if not recognized before the detailed planning has been done.

In implementing this early notification, utility companies should be supplied with several sets of plans showing the proposed construction details before a project or development is started. If rearrangement or reconstruction of utility facilities is required, the utility company engineers can determine this by inspection of the plans. The company will need to know if the proposal will result in a change in the number and type of customers to be served by the utility; if any unusually large equipment such as cranes and pile drivers or excessively heavy equipment is to be used in the vicinity of its facilities; what the utility service requirements of the proposed project will be during the construction period and upon completion, and many other matters. The utility should be informed of proposed projects as soon as possible and at least six (6) months to one (1) year in advance so that improvements, reconstruction and routine maintenance of facilities may be properly scheduled.

The mechanics by which early notification may be given to concerned utilities of proposed projects and developments is a municipal administrative matter. However, municipal authorities should be able to provide this notice without difficulty. We suggest that the municipal authorities designate a responsible agency to provide adequate notification of proposed projects and developments. For some municipalities it may be more convenient that the planning commission or sub-agency be given this responsibility. For others it may be the municipal engineer, or for others a member of the council. Whatever agency is designated, however, it should have responsibility for notification to utilities in connection with both private and public projects or developments which in some measure come under the control of the municipality. For example, early notification of a proposed municipal project in connection with urban redevelopment could be the responsibility of the planning commission or a sub-agency designated by it.

The same agency should be responsible for notification as to private developments which come under its

purview. Notification to private interests or involved third parties of the fact that utilities have an important concern in the proposed development is important. Thus, the agency should be responsible for notification to a private developer of land, subject to the review of the planning commission, that early consultation with affected utilities is of prime importance. In this connection, local subdivision regulations requiring early consultation with utilities are desirable.

To sum up these broad generalizations as to early notification, it is suggested that some municipal agency assume the responsibility for notification to utilities of proposed projects and developments if sponsored by, controlled by, or subject to approval by, a municipality. Notification as outlined above will tend towards better coordination between not only the municipalities and the utilities but also between private developers and the utilities and will provide to both the advantages of the knowledge and experience of utility company personnel in planning the utility phase of the contemplated project.

Public Safety Cooperation. The predominant necessity for public safety in situations disrupting traffic flow and emergency interruption of service (such as that caused by fires) has led to the development of effective routine procedures for dealing with these matters. There were no real complaints voiced, and many cities cited effective means of cooperation.

Utility companies are reported to be very careful in working where there is a traffic problem. They have a reputation for using safety precautions in marking their excavations and work areas.

Several systems for providing traffic control are in use, and the following are typical:

Grosse Point Shores, Michigan: "Utilities only need to notify us and we will do whatever is necessary."

Kinsley, Kansas: "Utility required to barricade and police."

Belfast, Maine: "Through the use of advanced notification of projects concerning utilities, we are able to reroute traffic effectively. In many cases the utilities place a public service advertisement in the local newspaper stating the project and suggesting alternate routing. This has been of some value...."

Kingsport, Tennessee: "The city owns traffic control devices and the electrical company installs and maintains them under a contract with the city. This system has worked well for many years."

Sumter, South Carolina: "The city traffic control is carried out by each utility as far as they are able. Barricades and lighting are accomplished at night by each utility. Major barricading or rerouting of traffic is done by the city engineer and the police chief."

Alton, Illinois: "Provide by ordinance that official charged with traffic engineering duties may prescribe or must approve plans for protecting excavations, warning lights and barricades, detour routes, and may limit utility work to one-half of the street width at one time, or may require that continuous construction on work done in major streets."

Royal Oak, Michigan: "Whenever it is necessary to close a street to motor vehicle travel, both the police and fire departments are notified so that adequately designated detours may be established."

Huntington, West Virginia: "On this type we 'play it by ear.' However, all larger corporations in this metropolitan area have organized a mutual aid plan, tying in police, fire and civil defense. This group plans for disasters in larger plants, and periodically conducts 'trial runs' involving rerouting of traffic, access by unauthorized personnel to disaster areas, etc., which are quite interesting and instructive."

Oakland, California: "City engineer, in cooperation with city traffic engineer, designates 'limited operations' streets. These streets are certain arterials in which no work detrimental to traffic movement may be prosecuted between the hours of 7 and 9 a.m. and 3:30 and 6 p.m. Copies of 'limited operations' maps are furnished to any utility or general contractor on demand. Alternate routes, one-way streets, no parking restrictions and street closures incident to street work are discussed with all parties involved and then incorporated as an appendix to the general 'limited operations' map to cover the particular job. Besides utility or construction company, police and fire departments are advised through discussions of the major jobs at weekly traffic committee meetings."

Interruptions of Service. The cooperative responses to emergency interruption of service fall into three categories.

1. Formal Standby Forces. This is the pattern in larger cities. A standby utility crew on duty at all times responds to fire alarms and renders service if necessary. This crew would be the vanguard of emergency forces summoned to meet a particularly severe storm, as in the case of a hurricane or blizzard.

2. Call Crews. Cities in the middle range tended to report that there was someone connected with the utility who would be notified of an emergency situation and who would dispatch crews if necessary.

3. Informal Liaison. A number of small cities reported that employees of the utility companies were members of the volunteer fire department and thus were on hand to take care of emergency problems with utility lines if necessary.

Several other practices might be mentioned. One is the tendency of utility companies to furnish needed municipal operations during emergency shutdowns, although one city manager reported that in setting their storm repair priorities an electric company had ignored the sewage treatment plant which was without power for 36 hours. Other areas of cooperation are an electric company's shutdown of supply to a building in which the city has declared a fire hazard because of faulty wiring and the system (mentioned by Maryville, Missouri) under which utility crews handle all power poles or transformer fires with the fire department standing by.

The system in Salinas, California, is worth quoting by way of summary:

> When called, Pacific Gas & Electric will respond to take care of cutting the supply of gas and electricity. Also, the Fire Department will shut off the gas at the meter site in fires of any material size. Where water requirements might be greater than normal supply in order to put out the fire, PG&E personnel respond and confer with the chief officer. Additional pumps, if available, are turned on and company personnel are present as long as is necessary.
>
> As far as planned repairs are concerned, both the PG&E and Pacific Telephone Company keep the fire department fully informed when there are changes being made in police lines involving fire alarm circuits.... Whenever gas mains or water main installations involving the blocking of streets or intersections is undertaken the fire department is notified in advance. If replacement or extension of water mains is contemplated, the PG&E confers with the fire department and submits plans for study when additional fire hydrants might be necessary or desirable. Whenever the water supply of the PG&E serving an area will be interrupted for "cutting in" or repair, the fire department is informed in advance... and is again informed when the area has been returned to service....
>
> Generally speaking, it would be our opinion that the cooperation we receive from the large utility companies when interruption of service would be evident is without question. We do not have any comments on how to get better cooperation from these companies as our needs are fully met at this time.

Other Administrative Activities

A variety of other administrative activities were covered in the questionnaire.

Review of Company Blueprints. Table 3 summarizes responses to questions about municipal review of utility company blueprints covering construction or installation of lines and buildings.

Less than half of all the reporting cities indicated that they review all utility plans, with the percentage decreasing in population groups below 100,000 population. The larger the city the more likely it is to classify its review as "thorough" rather than "cursory." Ten of the 14 cities over 100,000 indicated that they make a thorough review on all plans. Well under half of the remaining cities did so. Twelve cities, all over 10,000, indicated that their review is mixed, with cursory checks made of minor projects and more detailed investigations and site inspections in the case of major projects. In most cases, it was the street or engineering departments which made the review, with electrical and building inspection agencies being called in when necessary. In smaller communities, the city manager himself is more likely to be a part of the reviewing process. In some cases where cursory review was made in minor projects, independent consulting engineers were brought in for advice on major ones.

Table 3

Review of Utility Company Blueprints

Population Group	No. of Cities	No. of Cities Reviewing				No. of Cities Making		
		All	Most	Few	None	Cursory Review	Thorough Review	Mixed, Depending on Project
Over 100,000	14	10	1	3	0	3	11	1
50,000 to 100,000	22	12	5	6	1	4	13	3
25,000 to 50,000	27	11	8	6	0	8	13	4
10,000 to 25,000	36	11	12	6	6	6	9	4
Under 10,000	31	9	10	9	2	16	13	0
Total	130	53	36	30	9	37	59	12

Zoning Restrictions. Thirty-one cities (all less than 100,000 population) indicated that they have no effective control over the location of such major facilities as electric substations or pumping stations. In a few instances the utility companies (as in West Virginia) are exempt from municipal zoning provisions.

Of 93 cities with some kind of control, 84 indicated that control is exercised primarily by means of the zoning ordinance. Even where this kind of facility is permitted in residential areas, the request must be reviewed by a zoning board of appeals or, in a few cases, an architectural review or similar board which places some emphasis on the aesthetic qualities of the proposed structure. In five cities where there is no zoning, or where the zoning provisions are inadequate, the city officials responding felt that other controls, such as review of building plans by the city engineer, presented an opportunity to negotiate with the company on problems of location. Four cities indicated that they believed they had sufficient control, but did not indicate the form the control takes.

The general impression gained from the questionnaire responses on this point is that the companies are sensitive to the effects of nonconforming facilities of this type in residential areas. Many indicated that the problems had been worked out as they arose by negotiation with the company involved.

Cooperation in Industrial Development. One surprise in the responses to the questionnaires was the high percentage of cities which indicated that they have little or no activity in cooperation with the utilities companies regarding industrial development.

Of 86 reporting cities, 54 indicated some degree of cooperation on a continuing basis. This cooperation took many forms: formal industrial relations committees or foundations; close liaison between department heads or the manager and industrial development specialists of the companies; or merely regular channels of contact established on an informal basis.

On the other hand, 32 of the cities indicated that they had no contact with the companies in this regard. It was explained, in some cases, by the fact that the particular community was fully or almost completely built-up with no opportunities for industrial development or that the city was a residential or tourist area not desiring this kind of activity. However, it is probably true that another factor may be present: Smaller communities are likely to leave industrial development entirely in the hands of the utility companies or some other agency (chamber of commerce or state development commission). Such reticence may be harmful, in some instances, because often these other agencies cannot commit the city to specific actions when it makes initial contact with a prospect. It is impossible to tell, of course, just how large a part this plays in any particular locational decision. Yet the fact remains that many cities are vigorously hunting industry, and any point clarified at the beginning probably helps make the "sale."

Street Openings

Street restoration by utilities or their contractors is the most frequent item of friction between

municipalities and the companies. More than one in four city managers responding said that they were not satisfied with the company's usual quality of work or that there had been frequent or important lapses by companies in cities with adequate standards. Tables 4 and 5 summarize information relating to street restoration activities.

Most cities (109 of 124 reporting) have regulations, and 100 of these require that the company obtain a permit. Eighty-seven cities indicated that a municipal inspection is made.

In half of the cities (66) the company or its contractor performs all of the road restoration work, including the three phases of backfilling, temporary paving, and permanent paving. In six cities, the street department does all of the work. In 30 cities the utility company backfills and installs temporary paving while the city makes the final restoration. In 14 cities the utility company backfills, and the city does all of the paving. Several of the cities which indicated that they are unsatisfied with utility restoration work reported that they intend to take on all road restoration work in the near future. It is the universal practice, where the city makes repairs, to bill the utility company for the cost.

Several comments on this problem should be noted. One manager who said that road restoration by the local utilities was not as good as he would like, pointed out that neither was the work of his street department. Another pointed to a lack of perfection in road repair, citing the axiom that a restored street is never as good as the original pavement.

Table 4

Street Restoration Practices

Population Group	No. of Cities	No. with Street Opening Regs.	No. Requiring Permit	No. Requiring Inspection	Quality of Work by Utilities		
					Adequate	Inadequate	Borderline
Over 100,000	13	13	12	12	10	1	2
50,000 to 100,000	21	21	20	16	14	0	6
25,000 to 50,000	25	23	22	19	15	5	5
10,000 to 25,000	35	30	28	25	19	9	1
Under 10,000	30	22	18	15	19	3	4
Total	124	109	100	87	77	18	18

Table 5

Street Restoration Responsibility

Population Group	No. of Cities	All Work Done by Company	All Work Done by City	Utility Backfills; City Does All Paving	Utility Backfills and Paves Temporarily, Final Paving by City
Over 100,000	13	10	0	1	2
50,000 to 100,000	21	14	0	3	3
25,000 to 50,000	25	13	1	1	9
10,000 to 25,000	35	15	4	6	8
Under 10,000	30	14	1	3	8
Total	124	66	6	14	30

Among the complaints about utilities were:

1. Clean-up poorly done.

2. Time for repairs is unnecessarily long.

3. Inconsistent quality requiring too much inspection and enforcement.

4. When the city does step in to repair a poor job, it takes a great deal of effort to collect reimbursement from the company.

5. Backfilling inadequate; compaction requiring a great deal of preparation when city crews install pavement; or considerable heaving or sinking when utility does the work.

6. Use of contractors introduces a third party, who may be less cooperative than the utility company. (Several managers noted, however, that private contractors with whom they have dealt know city specifications, and often they are bonded.)

It is evident from the responses that some utility companies are far from conscientious in their road restoration work. If there is any trend, it is toward greater municipal involvement in the work. There are three general indications of this:

1. Several cities among those satisfied at the present time indicated that prior to tightening of specifications and inspection standards they had been dissatisfied with road restoration.

2. Several cities among those now doing all or part of the restoration work became involved only after repeated failures by the utility companies or their contractors.

3. Several cities among the dissatisfied indicated that they are preparing to assume all or part of the road restoration responsibility.

Emergencies

A majority of cities have established more or less formal means of processing paperwork connected with street openings required by emergency conditions. Of 124 cities reporting, 85 cities said that the utility company must report the condition to the city, and 26 said that they have no such requirements.

Of the 85 cities, 51 require that a permit be obtained for the street opening before undertaking work if possible, afterwards if not. Seventeen require simple oral notification to the city manager, street department, or police department. The remaining 17 require that a permit be obtained but do not specify rigid rules as to the timing.

Several patterns of regulations are used by the 51 cities which do require a permit within a specified time:

1. If the emergency occurs while city hall is opened, the permit must be obtained on the same day, presumably without delay to the repair crews. If it occurs on weekends or after city hall working hours, the permit must be obtained within a specified time, usually on the next working day.

2. The second pattern is similar to the first, but with the added requirement that some city department (usually the police department) be notified immediately so that necessary steps to control or reroute traffic near the scene may be taken. The department is then required to notify the permit-issuing department during the next day.

3. In smaller communities, the utility company may notify the city manager directly, both during and after working hours. In a few cases, a standby man in the public works department will be notified. In such cases the city representative will have the authority to give oral permission to proceed once he has been informed of the nature of the emergency. This procedure permits the dispatch of an inspector (if inspection is practiced) to check on the backfilling of the opening.

A unique arrangement is that of Franklin Township, New Jersey, which is not informed of emergency operations. The utility companies have open permits and a blanket bond is filed for each company.

Municipal Legislation and Policies Related to Utilities

All four of the utility companies contacted agreed that local legislation related to utilities is not excessively burdensome. Charles R. Landrigan, executive vice-president of the Detroit Edison Company said:

"We find in practically all cases that the regulations are reasonable and serve to insure proper and adequate construction work with consideration of safety to the public. As a utility, we are interested in performing our work so as to produce the same results."

This interest impells the utilities to exceed state and local requirements, they assert. G. N. Thayer, vice-president of the American Telephone and Telegraph Company, cited as an example:

"In many instances, the National Electrical Safety Code has been legally adopted as a state or local set of standards. Since the Bell System also complies with the Code, with frequent additional margins of safety, our standards are often higher than those required by local laws. Items of which this is true include strength of plant, clearances above ground, separations from other utility plant, and so on."

Some Complaints

All of the four companies indicated there have been instances of what they feel to be excessively burdensome requirements:

The Bell System. "Generally speaking, municipal regulations have not been found unduly burdensome. However, we have experienced some troublesome cases. Examples of the latter include:

"(a) Regulations requiring that soil removed from trenches be replaced by substitute material, when the soil removed can be satisfactorily used for backfill by utilizing modern compacting methods.

"(b) Severely restrictive rules governing pole and anchor locations, in relation to street and sidewalk lines.

"(c) Ordinances controlling the type of plant which can be built, when decision should be based on the best over-all economic solution under the circumstances prevailing. This applies in the cases of underground vs. aerial plant, and separate vs. joint pole lines.

"(d) Regulations requiring the restoration of paving within critically restrictive time limitations."

Pennsylvania Power and Light Company. "Permits are required for the installation of poles, wires, for the opening of the street and so on, and a fee to cover the issuance and inspection is usually required. There may be a few exceptions but, on the whole, the permit procedure and charges therefor are reasonable."

Detroit Edison Company. "Infrequently some municipalities may prepare regulations that are unduly restrictive. In most cases, this occurs because of the lack of knowledge of construction and engineering principles involved."

Texas Power and Light Company. "On rare occasions the company has found it difficult to satisfy unreasonable requirements made by a city council or city manager, but the issue has always been resolved without litigation."

Apart from regulations related to street openings, covered in a prior section of this report, the conflicting contentions of cities and utilities most often emerge in arguments over rules requiring the underground placement of "wire" utilities and their joint use of utility poles.

Underground Placement of Wires

A utility company's position regarding underground facilities is stated succinctly by P. W. Siekman of the Pennsylvania Power and Light Company:

> Of particular interest... is the question of whether certain areas should be served by underground or overhead facilities. The question is again one which requires attention to the circumstances of the particular case.

A substantially greater cost outlay is required to provide a given service by underground as compared to conventional overhead facilities. This excess cost must initially be borne by the utility and then reflected in the cost of service to customers. Although incidence may be less, maintenance and repair of underground facilities is much more expensive, when required. Service trouble in underground facilities often takes longer to locate and remedy and therefore results in extended interruptions. In order to minimize the extent of such interruptions our Company usually installs spare conduits which, of course, adds to the expense of underground facilities. Except for certain limited central urban districts, therefore, underground construction cannot be economically justified. An early understanding of these important economic facts by municipal authorities can avoid municipal-utility problems resulting from blanket planning of such services when not justified.

Many city officials would quarrel with the application of a single standard of "economic feasibility" in the choice of what type of facilities are to be installed or what regulations are to apply. The crux of any conflict between utility companies and municipalities lies in the question of what considerations are involved. By requiring underground lines the city applies largely an aesthetic consideration. (It is probably true that no one has ever seriously contended that utility poles are beautiful.) In some high-value districts, municipalities can also support a claim that overhead lines are unduly hazardous to firemen. To protect its own investment in new streets the city may further argue that it is necessary to require utility companies to install services (either underground or overhead) before streets in new subdivisions are paved.

What the Survey Showed. Power and telephone companies are directly involved here. Of 107 responding cities, slightly less than half (52) indicate that they have requirements for underground placement of lines, or policies strongly encouraging such placement. In no case was it indicated, however, that the city required placement of *all* lines underground. Most frequently the regulations or policies apply to central business districts or urban renewal areas. In some cases they applied to new subdivisions, with the developer required to secure the installation before the city accepts the streets.

Only two respondents reported that a utility subject to such regulations or policies was "not moving" to place their lines underground. Another 13 said that the utilities were "moving reluctantly," Most said the utilities had either complied or were "moving steadily" to place lines underground.

More evidence of the paradox that surrounds city-utility relationships lies in responses to these questions. More than a dozen of the managers in cities not requiring underground installations reported that the companies were moving to place certain of their lines underground, evidently where they felt such installations were warranted despite their relatively high cost. Although it is the purest speculation, it is conceivable that the public relations of the company may be enhanced by application of reasons not based solely on economics. The best example of this, perhaps, is the tendency of utility companies to build somewhat less austere local offices and operational buildings. At one time these buildings had to scream, "This was built at the lowest possible cost."

Public tastes may have changed to the point where they will accept a modest but attractive building carrying the name of a utility company. Indeed, in some communities an architectural review board or (in more cases) the zoning board of appeals will urge or require the utility company to erect a structure which harmonizes with others in the neighborhood. It is conceivable that the company's desire to be a "good citizen" of the community sometimes results in a broadening of the standards which company officials apply in a given decision. Yet, it is probable that the "official" position of companies will be one stressing economics.

The City's Starting Point. The replies to questions about underground wires turned up a problem which had not been anticipated when the questionnaire was drafted — the restraining effects of city action. One city which is attempting to get utility lines underground in the central business district admits that city-owned power lines have slowed this development. "The telephone company has more underground lines than the city," it reports.

Another city which does not require underground lines but would like to see them installed reported that it faced a dilemma when the time came to pay for an improved street lighting system. It decided to go overhead because of the cost involved.

It seems only fair that any city, before using whatever legal powers or powers of persuasion

that it may have, should be prepared to work toward the goals that it has set for private utility companies operating in the city. Without being so prepared, the validity of its arguments for or against a certain action by the utility company will be severely undercut.

The Question of Timing. The final problem connected with getting lines underground is the matter of timing. It appears likely that the city official realistically can hope only for steady action by a sympathetic company. Two responses sum up this likelihood:

"Our policy is such that we attempt to have power and telephone lines underground wherever possible. We recently had an interesting meeting with utilities to encourage underground work. Their attitude is that it is too expensive. By law, the council must approve all pole permits as to location. This has been effective and works to our advantage. We hope to persuade utilities to go underground as work progresses in the future...."

"The policy of the utility companies is one of 'not moving' along on this idea. Their argument is that of high cost and question of actual need. We have not been able to sell them this idea, though they do accept the problem of fire-fighting. According to the companies, this is a rather new request of them. I feel continual persuasion will accomplish some good but it will be a long process...."

Joint Use of Poles

Engineering problems cannot be ignored in establishing requirements for the joint use of poles. One city manager in the Detroit area recognized this when he observed, "Detroit Edison has been a believer in joint use of poles for a long time. They do not erect separate leads except in cases of undue interference between high voltage open lines and toll telephone facilities."

The economic savings inherent in joint use of poles have led many power and telephone companies serving the same area to contract for joint use of poles without any municipal encouragement. Of 73 cities without city requirements, 54 reported that the companies do use poles jointly. Fifty cities indicated that they have regulations or policies strongly recommending joint use of poles. A number of means for requiring such usage were listed: city ordinances, franchise requirements, suggestions backed up by power to approve location of poles within the right-of-way, and in one case, (Maine) application of a state law on the subject.

Municipal Systems. In some cases these agreements cover a municipally operated electrical system and a local privately owned telephone company. This occurs both where the municipality has the power to grant franchises to utility companies and where it does not have such power. Again, economic considerations seem to predominate.

Here the municipality must be certain that it gets a fair deal in its franchise or other agreement with the company. It must be careful not to grant such authority over the poles used jointly that the municipal system suffers. City planning for its utility operations must be foresighted so that it will avoid the need to install larger poles at a future date, with the cost of installation of both city lines and the sharing utility company's lines being borne by the city.

A second problem occurring in some cities is placement of municipal fire alarm, police telephone, or traffic signal systems on poles or in conduits of the local utility companies. Some franchises cover this aspect of the relationship. Bangor, Maine, for example, has the first option on the low arm of every telephone pole owned jointly by telephone and electric companies.

Local Government Role in Rate Cases

The rate-making process used by cities which have the power to set rates in municipal franchises is beyond the scope of this report. However, many municipalities find themselves involved in rate proceedings before a state regulatory agency. Sixty-four cities (among 120 reporting) indicated that they have been parties in such hearings. By population groups, the larger cities were somewhat more likely to be involved.

Reasons for Participation. There seems to be little quarrel with the city's role as a consumer

as justification for protesting proposed rate increases to the state regulatory commission, assuming that the protest is valid.

There is some weight of opinion, too, that the city has the responsibility to protect the interests of the general consumer. Several of the city managers of the 54 cities which reported they had not participated in rate cases indicated that they believe representation of consumer interests is a proper function of local government. One respondent modified his approval of this position to indicate that the city should act only when the other affected parties are unable to present a united effort in behalf of the consumer. The ability of such parties (for example, manufacturer's associations and chambers of commerce) to represent the general consumer may be open to question, however, since they are most likely to concentrate their protests on the elements of the rate structure which are of primary concern to them. Perhaps a common viewpoint of those who believe that the city should be active regarding consumer interest is captured in this response: "The city's responsibility is to ascertain effect of any proposed rate increase on local consumers. If necessary, the city's role is to oppose such increase...."

Reasons Against Participation. Four basic reasons for not participating in hearings before state regulatory bodies were advanced:

1. The city council's belief that the city should not participate.

2. A belief that the local utility has been providing adequate service at reasonable rates; therefore the city should not object unless the new rates are obviously "out of line."

3. Limited resources or no skilled personnel available for proceedings which are often lengthy, costly, and technical.

4. A high level of confidence in the state regulatory agency's ability to protect consumer interests thus making city participation unnecessary.

The last two points require some elaboration.

Technical Proceedings. One manager, recognizing the complexity of utility rates cases, observes, "I believe the city has a certain responsibility in this regard, but I have avoided the issue on the grounds that rate discussions are quite technical and require an extensive knowledge of utility finances and operations. None of these skills or knowledge is available in city hall."

One way that this deficiency has been overcome, at least in part, has been to organize the resources of several communities, acting either independently or through the state municipal league. For example:

"The City of Lynchburg takes the position that the consumer should be represented in the most effective manner possible to see that all allegations are proved to the state regulatory body ... and that a combination of local governing bodies is the only practical way of assuring this representation. Accordingly, such a combination is usually formed through the Utilities Committee of the League of Virginia Municipalities when a rate increase is requested by a utility company."

Another example of municipal cooperation is reported by Oliver Van Krevelen, city manager of Richfield, Minnesota: "Municipalities contiguous to the City of Minneapolis have formed what is known as 'The Suburban Gas Agency' and have for the past two and one-half years been active in negotiating for a new uniform rate with a single rate authority."

The role of the small city is somewhat more difficult to define. Three possible courses of action are open for a suburban city which does not choose to be an active partner in a rate case. One is to sit back and let the central city wage the fight, as several cities admitted is the case. The second is to lend limited financial support through a combination of municipalities all served by the utility. Finally, there is the opportunity to develop a policy statement, supporting the position of other municipalities, which is placed on file with the regulatory agency. This latter action falls into the category of moral support.

State Regulatory Agencies. The actions that a city chooses to take or not to take depend to some degree on the operations and history of the regulatory agency involved. One city manager said flatly that in his state, "The utility company has the case won before it goes before the

commission." Four replies from another state expressed uniform confidence in the commission's ability to defend the consumer interest. One noted: "In the past this commission has provided excellent control. So long as this type of control exists there appears to be no reason for the city to intervene."

Of course, state laws do much to influence the environment in which rate proceedings take place.[3] In some states, there is a tendency to require hearings into the validity of the utility company's rate structure. In other states, the rate increases to go into effect automatically unless there is a protest. To oversimplify somewhat, in some states there is a tendency to place the "burden of proof" on the utility company, in others on those who protest.

Two other circumstances result in municipal governments appearing before regulatory agencies, most often federal agencies since rates charged by an interstate distributor of power or gas are involved. One occurs when the municipal system purchases utility services from a distributor and protests a proposed new rate. The other occurs when the city joins with a local private utility company to protest distributor rate increases which, of course, will be passed along to consumers served by the local company.

In any of these situations, city officials must be prepared to face lengthy proceedings, and they should consider the likelihood of future court action before making their decision. The advice of experienced attorneys and other experts should be sought.

Paying for Utility Relocations

Many city projects — widening or building streets, urban renewal, and similar programs — require the relocation of utility plant within the municipal right-of-way. Who should pay the cost of such relocation? On this question the utilities agree that, in the main, the city should foot the bill. City practice, on the other hand, is to require the utility to pay for moving its facilities. Of 116 cities reporting, 103 indicate that the utility pays the cost of relocation, 10 that the city pays the bill, and three that there are varying circumstances under which either would pay.

This problem cannot be answered without reference to applicable state laws. The problem can be approached, however, on another level — one which seeks to reduce the incidence of such relocation. This would involve sound planning of areas in which the utility is currently installing facilities. Such planning should take into consideration as many elements as possible; for example, such things as state highway planning for the area. It should involve coordination between the city and the utility in relation to the utility's replacement of existing facilities no longer adequate.

Subdivision Regulations

As indicated earlier, many cities have formal or informal review of subdivision plans by utility companies before approval. It would seem wise for any land owner to contact the utility companies before preparing final plans, but whether the municipality should choose between encouragement and regulation is an unsettled question.

The trend in recent years has been for subdivision regulations to control development of vacant land within cities or in fringe areas just beyond the city limits, where this latter action is permitted by state law. In general, utility companies desire to have: (1) specific designation of utility easements and (2) no definite designation of when wire services will be installed in relation to scheduling of street construction. The comments of the companies were as follows:

Pennsylvania Power and Light. In connection with subdivision ordinances, this Company strongly recommends the inclusion of a requirement that land subdividers consult all affected utilities early in the planning stage. We also favor the inclusion of a provision requiring certification by the subdivider of agreement with the affected utilities regarding the provision of essential easements prior to approval of the subdivision plan....

[3] The size and quality of the regulatory body's investigative staff is also a factor. City Manager R. M. Hoisington, Huntington, West Virginia, reports: "Two years ago the state commission was under-staffed and in two rate cases, a group of cities, including Huntington, jointly financed a special staff to assist and supplement the state commissioner's efforts. Now, the state is better staffed and the cities are pulling out of this activity as soon as the two cases mentioned are settled."

We would not be in favor of any provision in a subdivision ordinance which would require that service lines be installed in new subdivisions prior to the construction of streets. There are a number of reasons for this. First, in Pennsylvania a subdivision ordinance could have no authority to control the utility in its installation of its facilities and could not take from it the decision as to the best way to serve a proposed development. Secondly, if such provisions were construed as requiring the subdivider to provide these utility services, they are generally undesirable because such installation should be under the exclusive control of the affected utility. In addition, there is always a serious economic and engineering question in connection with any land development plan as to whether or not utility service can best be provided by use of the streets or by private easement. Obviously, there can be no one answer as to whether backyard or street utility service is best. Each situation requires individual decision on the basis of the particular circumstances.

Bell System. We feel that the respective order of utility and street construction should be determined on the basis of coordinated planning in the individual case, to the mutual benefit of all concerned. Restrictive ordinances may make such coordination impossible, and in some cases penalize a utility by forcing it, unnecessarily, to complete its work under adverse conditions.

Texas Power & Light Co. We see no reason for an ordinance requiring that service lines be installed in new subdivisions prior to the construction of streets.

Detroit Edison. Street paving programs are not a true index to degree of development. Overhead service lines can be installed with minimum problems of coordination with streets. Underground systems are more properly installed at determination of final street grades and ideally in advance of paving where street locations are involved. However, when ornamental street lights having underground cables are to be installed, it is preferred to do this after the paving is in as the light locations and post foundation elevations have a direct relationship to the distance from and grade of the pavement curbs.

The Detroit Edison Company recommends that subdivision ordinances include and specify requirements for public utility easements on plats. Particularly it recommends designation of the width of the easement and a protective clause indicating that no permanent structures are to be erected with the easement.

Uniform Regulations for an Area. Utility companies are not particularly eager to work under uniform regulations relating to their service in neighboring communities. Only 33 cities indicated that the issue had ever been raised, with development of regulations ranging from "highly successful" to "no action." Fifty-eight managers responded to a question as to whether they would be favorable to such regulations, and 51 indicated they were, with some reservations as to the specific rules that might be considered.

The problem of establishing uniform regulations is not as easy as it might appear. As Detroit Edison points out, "The total service area will often range from downtown city, city residential, city industrial, suburban, semisuburban to rural and resort. Regulations must recognize the varying requirements in these dissimilar areas."

Tree Trimming by Public Utilities

Seventy-one cities exercise some kind of control over tree trimming operations of the local utilities with overhead wires. This control ranges from simple inspection after the job is done to trimming by city crews (in two cities) at the company's expense.

The companies are concerned primarily with those tree limbs which are real or potential hazards to their lines. Twenty-seven cities reported that utility tree trimming crews do make it a practice to trim beyond the company's own immediate requirements. Several reasons for this were advanced: (1) clearing street lights for the company; (2) elimination of traffic hazards at intersections; (3) public relations benefits stemming from compliance with a request of the city or of individual property owner; and (4) protection of municipal fire alarm lines on utility company poles.

In smaller cities, particularly, there seems to be some tendency for the utility companies to do special favors on request of the municipality. These might include the removal of a dead limb and trimming in other situations in which the company does not have any immediate concern.

City Regulations. Municipal attention to the preservation of trees extends almost equally throughout all of the population groups. In some cities, however, the concern is only for trees within the public rights-of-way; in others it extends to all shade trees, with a comprehensive shade tree ordinance as the instrument of control. Other control measures include municipal fran-

chises, shade tree commissions, less comprehensive ordinances setting standards for tree trimmers, and state law (Maine).

In smaller cities authority to issue permits often is given to the city manager who, presumably, would review the work done. Among the other review agencies or individuals listed were shade tree commissions, public works directors, tree wardens or foresters, park superintendents, and, in one city, the street superintendent.

One sound reason advanced for municipal permit requirements is that of citizen requests for information concerning what the trimming crews are doing. Another was the apparent desire of cities to make sure that trees would not be cut to the maximum (perhaps unnecessarily so) in order that the company would be able to trim less frequently. Many cities cited a desire to discourage unnecessary trimming. Along this line, a few cities seemed desirous of assuring the tree trimmers' competence by means of licensing requirements, although by far the majority of cities appeared satisfied that the crews, either those of the company or others working under contract, were doing a good job. Only one clear complaint was voiced in this regard. "They are supposed to obtain the permission of the parks superintendent," a manager in a city of 40,000 said. "This policy is often violated."

Programming Tree Trimming. One example of city-utility coordination was provided by City Manager Terry V. Sprenkel of Belfast, Maine. "We have worked out a verbal agreement with the utilities. Prior to the start of the trimming season the city and the utilities meet to work out a program of trimming. They will trim a tree for us if they must climb it for a specific hazard. On the other hand, the municipal tree trimming work takes in trees that are interfering with utilities. We find this program most effective for both parties. The work accomplished has just about doubled."

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Note: This report was prepared by Ned L. Wall, staff member, the International City Managers' Association.